

To Mr. Helder Gil

Legislative Affairs Specialist

Department of Consumer and Regulatory Affairs

1100 Fourth Street SW

Room 5164

Washington, D.C. 20024

My name is Trent Allen and I am one of the owners of the PORC: Purveyors Of Rolling Cuisine food truck. I am also a resident of Ward 1. In December 2009, my business partner, Josh Saltzman, and I moved to the District to start a food truck. We had intended to open one in Ann Arbor, Michigan, but were forced to leave due to sweeping changes in the mobile vending laws there. We settled on DC due to its vibrant culture, strong economy, and most importantly, the vending laws. We knew the rules weren't perfect, but we hoped in the subsequent years that they would improve rather than be made worse.

Today, I write you not only as the owner of a food truck, but also as a restaurateur. Because of the success of our small business we were able to expand and open our restaurant, Kangaroo Boxing Club (Ward 1), earlier this year. We employ almost two dozen people now in our two businesses, and help dozens of others that works for our suppliers, mechanics and farmers. If the proposed regulations that are now on the table are made law, not only would we have never moved to DC and helped add to the economy, but many others with similar stories would not have opened businesses as well. And in this painful economy, the jobs we have created would not exist.

Below I have highlighted specific areas of the proposed vending laws that I find the most damaging to our way of business and also areas that have been improved. As a food truck owner AND restaurateur I hope you take my comments as suggestions for how to preserve the free market economy as well as ensure consumers are deciding which businesses succeed and fail.

Improvements in the Proposed Regulations

- Elimination of the "Ice Cream Truck" rule: This is a great improvement over past regulations as it allows businesses to operate without the constant fear of being asked to move despite a steady flow of customers.
- Allowing Employee Badges: Allowing employees to have badges instead of each buying vending licenses allows vendors to operate much more effectively. It is too much to ask of each vendor to pay the thousands of dollars for each vending license. This ensures that vendors are treated like brick and mortar businesses.

Damaging Sections in the Proposed Regulations

- 501.3 The Metropolitan Police Department (MPD) shall be responsible for: (c) Assisting, as appropriate, with the enforcement of the provisions of this chapter.

This section is vague. MPD should only have jurisdiction over unlawful activity and should be restricted from enforcing other provisions of this chapter, such as those that fall under the jurisdiction of the health department. Specifically, they should ensure that licenses are properly displayed and worn by all staff.

- **530 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: AUTHORIZED LOCATIONS**

530.1 The DDOT Director shall designate MRV locations where Mobile Roadway Vendors, with valid MRV parking permits, may park in order to legally vend from public space.

Does not say how sites will be chosen.

530.3 There shall be no more than one MRV location per block on any one side of a street.

Restricting MRV locations block by block is anti-competitive.

530.8 An MRV location shall not be established:

- (c) Where the adjacent unobstructed sidewalk is less than ten feet (10 ft.) wide in the Central Business District or seven feet (7 ft.) wide outside the Central Business District;

There is no public safety purpose for this rule. Furthermore, “unobstructed” is not define. As written, this may include parking meters, customers, trees, even trash on the sidewalk. This rule could be used to conceivably create a protected zone of all of the Central Business District, while making Georgetown and other areas outside the CBD completely off limits.

- (g) Within forty feet (40 ft.) of any crosswalk;

There is no public safety purpose for this rule. There is a need to ensure vehicles and customers do not inhibit safe travel on sidewalks and crosswalks, however there is no evidence or explanation of why 40 ft. is chosen.

These issues appear again in 531.2 (c) and (g)

532.1 An applicant may submit an application to DDOT to create a new Mobile Roadway Vending location, provided that the applicant specifies a location that is not in conflict with the above standards. All applications are subject to DDOT review and approval.

There is no listed process for how MRVs are reviewed beyond naming the agencies involved. Who may submit an application, who may dissent an application, whether the application is made public and a list of other issues are never clearly discussed or stated.

533.1 The DDOT Director has the discretion to add, modify or remove a Mobile Roadway Vending location at any time.

This gives unsupervised and unregulated power to one individual to add or remove MRVs without any public or industry oversight of such action. This is completely unacceptable. There is no written way to appeal, disagree with, or counter the decisions of the DDOT director. Without oversight, this could be used by an individual to severely limit competition and favor one business type over another.

The purpose of regulations is to protect public safety, ensure fair business practices and promote economic growth. I only ask that a revised version of these regulations be created to accurately reflect these principles. Thank you for your consideration and hard work on making DC a better place.

Sincerely,

Trent Allen

Owner, PORC and Kangaroo Boxing Club

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